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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

14 MICAH D. KALENOWSKI ,

15 Plaintiff,

16 vs.

17 CITY OF LAS VEGAS, NEVADA, et al.

18 Defendants.

Case No.: 2:20-cv-01743-GMN-VCF

STIPULATION TO STAY DISCOVERY

20 Defendants, Las Vegas Metropolitan Police Department (“LVMPD”), Brian Fortner,
21 Jordan Miller, and Marcus Martin (collectively “LVMPD Defendants”), and Plaintiff Micah
22 Kalenowski, hereby stipulate as follows:

23 1) Stay discovery until the Court rules on LVMPD Defendants’ Motion to Dismiss, (ECF
24 No. 26), and Plaintiff’s Motion to Deem Responses to Requests for Admission Timely and Motion

1 to Withdraw or Amend Deemed Admissions, (ECF Nos. 50, 51). A stay is necessary because the
2 Court's resolution of these pending Motions may fundamentally affect the scope of the remaining
3 period of discovery in this case, the remaining Defendants, and the on-going claims. This
4 Stipulation arises from the Parties' efforts to avoid imminent motion practice regarding recent
5 discovery disputes about Plaintiff's setting of depositions and LVMPD Defendants' production of
6 documents. These discovery disputes are likely to become moot with a ruling on the pending
7 Motions, (ECF Nos. 26, 50, 51). Thus, a stay of discovery at this time will align with Federal Rule
8 of Civil Procedure 1 declaring that the Rules "should be construed, administered, and employed
9 by the court and the parties to secure the just, speedy, and inexpensive determination of every
10 action and proceeding."

11 2) The discovery stay shall include discovery requests recently mailed but not yet due for
12 a response: Plaintiff's "Second Requests for Production" consisting of a single document
13 containing Requests for Production of Documents, Requests for Admissions, and Request for
14 Interrogatories. Upon lifting the Stay, the Parties will establish a deadline for responses to these
15 discovery requests, if applicable.

16 3) In light of the Stipulation to Stay Discovery, Plaintiff will vacate the depositions noticed
17 for Officer Martin, Officer Fortner, Ken Katsaris, and Captain Carlos Hank, which are all set for
18 dates in July 2022; and LVMPD Defendants will vacate the deposition of Plaintiff's retained expert
19 Thomas J. Tiderington, which is set for July 21, 2022.

20 4) The Parties will submit a new proposed Discovery Plan to the Court within twenty-one
21 days after the Court's ruling on LVMPD Defendants' Motion to Dismiss, (ECF No. 26), and
22 Plaintiff's Motions to Withdraw or Amend Deemed Admissions, (ECF Nos. 50, 51), whichever is
23 later. The new proposed discovery plan will address restarting discovery for a brief period,
24 scheduling of depositions, and re-setting the dispositive motion deadline and joint pretrial order

1 deadline.

2 DATED this 28th day of June, 2022.

DATED this 28th day of June, 2022.

3 KAEMPFER CROWELL

McAVOY AMAYA & REVERO

4 By: /s/ Lyssa S. Anderson

By: /s/ Michael J. McAvoyamaya

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Las Vegas Metropolitan Police

Department, Brian Fortner, Jordan

Miller, and Marcus Martin

12
13 **IT IS SO ORDERED.**

14 DATED this 28th day of June, 2022.



17
18 UNITED STATES MAGISTRATE JUDGE

19
20 IT IS HEREBY ORDERED that a video status hearing is scheduled for 11:00 AM,
21 December 28, 2022.